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U.S. Department of Homeland Security
U.S. Customs and Border Protection
National Commodity Specialist Division
One World Trade Center, Suite 51-201
New York, NY 10007



U.S. Customs and
Border Protection

(b) (7)(E)

(b) (7)(E)

MEMORANDUM FOR: Director, Commercial & Trade Facilitation Division
Regulations & Rulings
Entry Process and Duty Refunds Branch
Headquarters, Customs & Border Protection

FROM: Chief, Branch 2
National Commodity Specialist Division

SUBJECT: Entry requirements for power lines and power.

REFERENCE: Headquarters File Number TBD

Attached is a request, dated September 24, 2019, from (b) (6) filed on behalf of his client (b) (6). This request concerns entry requirements for power lines and power generated under water by wind turbine generators, located beyond 12 miles from the U.S. coast.

Note 6 to Chapter 27, HTSUS, states, "For the purposes of heading 2716:

(a) The term "electrical energy" does not include electrical energy transmitted as a medium of communication; and

(b) Electrical energy shall not be subject to the entry requirements for imported merchandise set forth in section 484 of the Tariff Act of 1930, as amended, (19 U.S.C. 1484), but shall be entered on a periodic basis in accordance with regulations to be prescribed by the Secretary of the Treasury."

Based on the above note, it is the opinion of this office that neither the power lines nor power generated should be subject to entry requirements.

If you have any further questions regarding this matter, please contact National Import Specialist (b) (6) at (b) (6). Please send a copy of your reply to this office.

(b) (6)

10/22/19
Date

===== ELECTRONIC RULING REQUEST =====

Tracking Number:- (b) (7)(E)

Request Date:- 9/24/2019 8:11 AM

RULING REQUESTER INFORMATION

First Name: (b) (6)

Middle Name: (b) (6)

Last Name: (b) (6)

Company Name: (b) (6)

Address: (b) (6)

Phone: (b) (6)

Email: (b) (6)

REQUEST TYPE

- Classification

QUESTIONS

Question 1:

Is this request being filed on behalf of a client? YES

Client Name: (b) (6)

Client Address:

Question 2:

To your knowledge are there any issues or requests for advice, concerning this commodity, pending before any CBP office or any Court? NO

Question 3:

Is a sample being submitted? NO

If yes, would you like the sample to be returned? NO

Question 4

If available, what is the country of origin of the imported product? (b) (4)

GENERAL DESCRIPTION

(b) (6) was contracted by (b) (6) to design, manufacture, install, and commission turbines for the (b) (4)

(b) (4) located 27 miles off of the Atlantic Coast of Virginia's federal waters. Imports will be from Canada and Denmark, delivered directly to the off-shore site, never touching a U.S. Port. (Vessels will never touch land in Virginia). The scope of supply comprises design, manufacture, installation and commissioning of (b) (4)

(b) (4) We have been advised by CBTO, (b) (6), Norfolk, Va. Cargo Processing Team, that based on this criteria no entry will be required (Beyond 12 Miles from the Coast). However, through advisement, Officer (b) (6) requested a ruling to confirm the Import process, and classification of the power lines and generated power; power which will be generated from the windfarm via underwater transmission lines destined to the State of Virginia's power grids. Please provide classification guidance and applicability for the transmission lines and the power generated from the Windfarm s. i.e., lines passing the 12 mile coastal boundary and the power emitted back to Virginia from the Windfarm.

Questions: 1. Confirm via

ruling no entry is required based on the criteria cargo will never touch a U.S. port and is beyond 12 Miles from the coast. 2. If entry is required, provide guidance on the importation process since typical entry would not suffice under the ACE platform. 3. Provide guidance/classification, if applicable on the power which will be generated and sent via the underwater transmission lines back to the U.S.

ITEM DESCRIPTIONS

Item 1

Windfarm -wind turbine generators with a rotor

eRulingRequest (17).txt

ATTACHMENTS

(b) (4)



(b) (6)

Coastal Virginia Offshore Wind Project



(b) (6)

(b) (6)

(b) (6)

Content

- 1 Basic Project information
- 2 Project timeline
- 3 Open issues to be clarified

(b) (6)

(b) (6)

(b) (6)

Wind farm owner

(b) (6)

- Owns the wind farm (turbines, undersea cables, substation etc.) and the energy generated by the turbines
- Builds (and owns?) the onshore substation
- Contracted (b) (6) to build the wind farm (offshore part)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

- Contracted by (b) (6) to build the wind farm (offshore part)
=> Laying of underwater cables (between the turbines and to shore)
=> Installation of turbine foundations
=> Installation of turbines (contracted out to SGRE)

(b) (6)

(b) (6)

(b) (6)

- Contracted by (b) (6) to design, manufacture, install and commission the turbines

(b) (6)

Project name: (b) (4)

WTGs: (b) (4)

(b) (4)

WTGs: (b) (4)

(b) (4)

(b) (6)

(b) (6)

The scope of supply comprises design, manufacture, installation and commissioning of (b) (4)

(b) (4)

Contractual Key dates:

(b) (4)

(b) (4)

Harbours (all to be provided by the client):

b) (4)	Pre-assembly activities Installation/ Commissioning
[REDACTED]	

b) (4)

Pre-assembly activities
Installation/ Commissioning

WTG POSITIONS

(b) (4)

(b) (4)

(b) (6)

(b) (6)



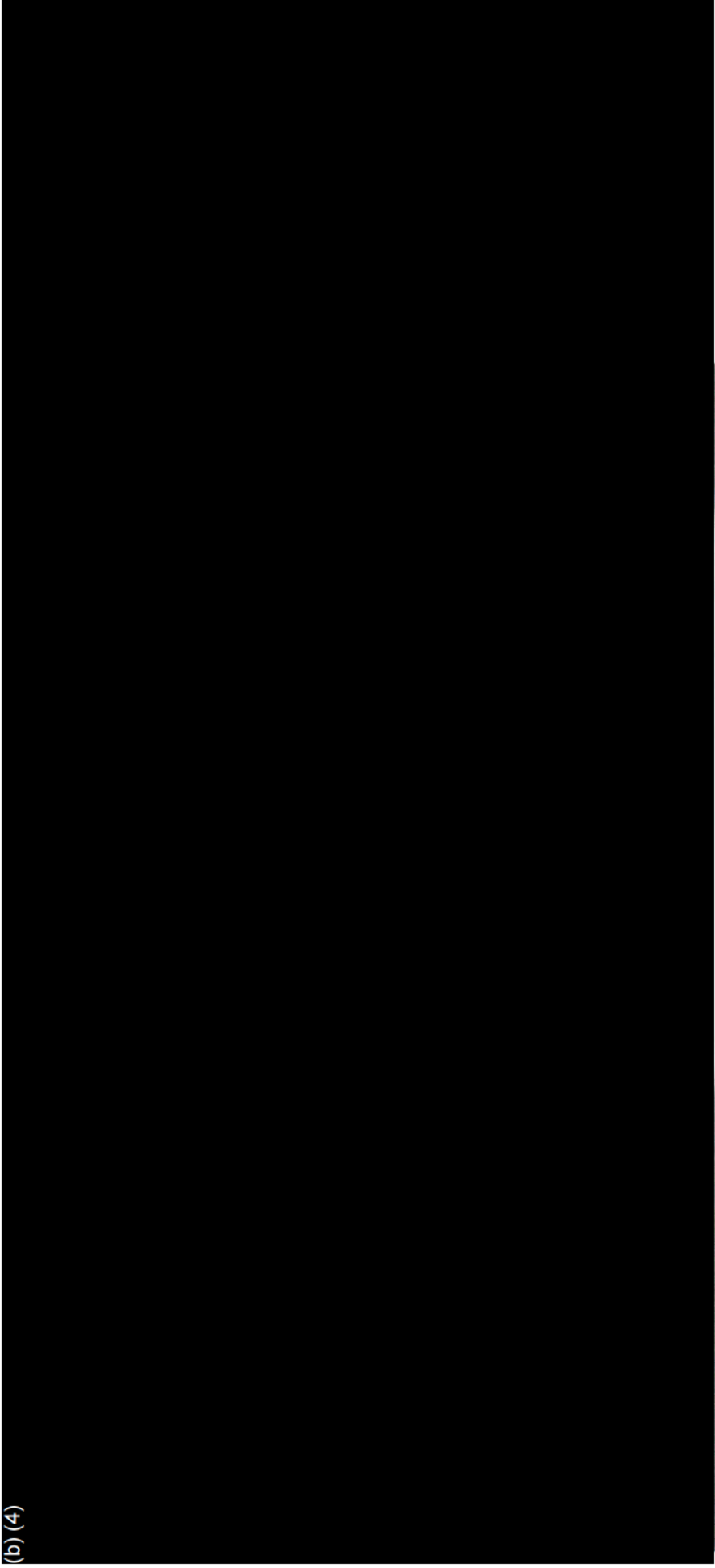
- Installation tools to be brought on the Installation vessel to the offshore site directly (from (b) (4)). Installation tools will return to (b) (4) with the Installation vessel directly. No plan for the Installation tools to hit Virginia Main land at any point in time.
- Hand tools required for commissioning to be supplied by (b) (6) and to be provided to the onshore facilities (Commissioning harbor) in Virginia beach from where the technicians will take them with them on the CTV (Crew Transport vessel) to the turbines and back.
- (b) (6) to act as importer of record for the WTG main components for (b) (6) and provide required import documentation related to the permanent works, i.e. towers, nacelles, blades. (b) (6) is liable for payment of associated import duties (if any).
- SCADA panels (Hardware to be installed in the onshore substation in Virginia) to be air transported to US (to (b) (6)) in autumn 2019. (b) (6) responsible for transport to substation in Virginia.
- Manufacturing locations for all main components all within EU.
- Only nacelle transport frames manufactured in (b) (4) no alternative known to-date. Nacelle transport frames to go back to (b) (4) with Installation vessel directly. No plan for the nacelle transport frames to hit Virginia Main land at any point in time.

(b) (6)

(b) (6)

(b) (6)

(b) (4)



(b) (6)

(b) (4)

(b) (6)

(b) (6)

- Who should be named as consignee on the export papers for the WTG main components (permanent works, i.e. towers, nacelles, blades) from (b) (4)
- Specific wording required to obtain Power of Attorney from (b) (6) to execute import of WTG main components (permanent works, i.e. towers, nacelles, blades)? If so, please provide template.
- How/ when are duties applied/ calculated in US (if any)?

(b) (6)

(b) (6)

(b) (6)



Contact details

(b) (6)

Mobile

(b) (6)

Email

(b) (6)

(b) (6)

(b) (6)

(b) (6)

Classification advice is provided solely on the basis on the data given to (b) (6) by your company and is offered for informational purposes only. In providing tariff classification advice, (b) (6) exercised "Reasonable Care" required by Title 19 CFR 111.39 (a). Classification advice provided by (b) (6) is not to be considered or to be interpreted as legal advice. Relying on this advice by any party should be done only with the understanding that (b) (6) neither expressed or implied offers no warranty in regard to the applicability and accuracy of the advice provided. Reliance on advice from (b) (6) will be without prejudice against the company, its officers, directors, shareholders, employees, representatives, agents, attorneys, executors, administrators, heirs, assigns or successors in interest. Unless otherwise specified in a agreement which governs the relationship between these parties

From: CBP ERULINGS <CBP.ERULINGS@cbp.dhs.gov>

Sent: Tuesday, October 22, 2019 12:41 PM

To: (b) (6)

Subject: RE: (b) (7)(E) WIND TURBINE GENERATORS WITH A ROTOR

Ref # : (b) (7)(E)

Subject: WIND TURBINE GENERATORS WITH A ROTOR

Your request for a ruling is being forwarded to U.S. Customs and Border Protection, Regulations & Rulings, 90 K Street, 10th Floor, Washington, DC 20229-1177, for their review. A ruling will be issued to you from that office.

If your request should become the subject of an actual importation, please advise our Washington office, (202) 325-0100, as to the date and port of entry.

This is an automated email notification. Please do not respond to this email address.

From: CBP ERULINGS

Sent: Monday, September 30, 2019 12:53 PM

To: (b) (6)

Subject: (b) (7)(E) WIND TURBINE GENERATORS WITH A ROTOR

This message serves as acknowledgment of our receipt of your Electronic Binding Ruling request. Your request has been assigned the Ruling Control Number shown in the subject line of this e-mail and will be given careful consideration. A reply will be sent to you within 30 days.

Should you need to contact us further regarding the submission of this ruling request, please call the Customs Information Exchange at (646) 733-3062, 3065, 3066 or 3071 using the Ruling Control Number as your reference. Please note we cannot answer any commodity specific information pertaining to your request.

*** This is an automated e-mail notification. Please do not respond to this e-mail address.

NO REPLIES WILL BE GIVEN TO ANY MESSAGES RECEIVED AT THIS MAILBOX OTHER THAN THE CONFIRMATION MESSAGE OF THE INITIAL BINDING RULING REQUEST. ***